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1722

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bellasalma

Group Art Unit: 1722

Serial No.: 09/924,285

Examiner: Heitbrink, Timothy W.

Filed: August 8, 2001

Title: FLUSHLESS MOLD VALVE ASSEMBLY

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

The Examiner's answer mailed 03-19-2004 raises several arguments. These are addressed below.

ARGUMENTS WITH REGARD TO "CROSS-SECTION"

The Examiner continuously argues that it is reasonable to define the cross-section as formed by a plane cutting through a longitudinal axis of an elongated object rather than at right angles to the longitudinal axis.

Answer

As the piston is an elongated object, conventional interpretation of an axis defined by the elongated object is that the axis will be a longitudinal axis. The cross-section will therefore be by a plane cutting through an object, **usually at right angles to an axis**, as recited by a definition that the

Examiner has apparently agreed is proper. Applicant respectfully requests that the Examiner be overruled.

CLAIM 8

The Examiner is basically arguing that the cross-section may be taken along a longitudinal plane in the Examiner's rejection in Claim 1 and along a lateral plane in the rejection of Claim 8.

Answer

Appellant reiterates that to do the Examiner's unconventional interpretation in the rejection of Claim 1, the Examiner is internally inconsistent when rejecting Claim 8 using the Examiner's interpretation from Claim 1 in Claim 8. Claim 8 is in the same claim set as claim 1 and is dependent thereon. Appellant admits that one rejection may be sustained, but by doing so, the other rejection must properly be overturned.

DAILEY

The Examiner points to the Dailey case which is a 1966 case from the United States Court of Customs and Patent Appeals.

Answer

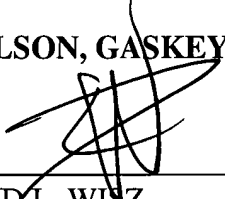
The Examiner's position based on the Dailey case is that "the circular shaped body is **just as effective** since it also contact the side walls **equally well**." [Emphasis added] The Examiner's argument is based on a purely subjective interpretation as indicated by the above-cited statement. The Examiner does not point to any cited art that suggests that a circular-shaped body is equivalent to a square-shaped body. Appellant's invention discloses that the square-shaped piston is more effective than the conventional circular shaped piston.

CLOSING

For the reasons set forth above, the rejection of all claims is improper and should be reversed. Appellant earnestly requests such an action.

Respectfully submitted,

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CERTIFICATE OF MAIL

I hereby certify that the enclosed reply brief is being deposited with the United States Postal Service in triplicate as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 18th day of May 2004.



Beth A. Beard

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